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15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 NICAELA M. BIER, individually, as  
18 heir, and as Personal Representative  
and Administratrix of the Estate of  
RYDER MICHAEL ROSS; and  
19 JOSHUA J. ROSS, individually and as  
heir;

20 Plaintiffs,

21 v.

22 ASHLEY FURNITURE INDUSTRIES,  
23 LLC, a Foreign Limited-Liability  
Company; ASHLEY DISTRIBUTION  
24 SERVICES, LTD., a Foreign Limited

Case No. 2:24-cv-00291-CDS-BNW

**STIPULATION AND  
PROPOSED ORDER TO STAY  
DISCOVERY**

1 Company; ASHLEY GLOBAL RETAIL,  
2 LLC, a Foreign Limited-Liability  
3 Company doing business as ASHLEY  
4 FURNITURE HOME STORE and/or  
5 ASHLEY HOME STORE; PAULA  
6 ANDREWS, an individual; DOES 1  
through 30, inclusive; ROE BUSINESS  
ENTITIES 1 through 30, inclusive,  
Defendants.

7 Plaintiffs NICAELA M. BIER and JOSHUA J. ROSS (“Plaintiffs”), and  
8 Defendants ASHLEY FURNITURE INDUSTRIES, LLC, ASHLEY  
9 DISTRIBUTION SERVICES, LTD., ASHLEY GLOBAL RETAIL LLC doing  
10 business as ASHLEY FURNITURE HOME STORE and/or ASHLEY HOME  
11 STORE, (“Defendants”), by and through their respective counsel of record,  
12 hereby stipulate and request an order staying discovery in this matter pending  
13 resolution of: (1) Plaintiffs’ Motion to Amend Complaint (ECF No. 11) and (2)  
14 Plaintiffs’ Motion to Remand (ECF No. 12).

15 On July 26, 2023, Plaintiffs Nicaela M. Bier and Joshua J. Ross filed a  
16 Complaint in Clark County District Court, Case No.: A-23-874654-C. Defendant  
17 removed the case to the United States District Court on February 12, 2024  
18 (ECF. No. 1). On March 14, 2024, Plaintiffs filed a Motion for Leave to Amend  
19 Complaint (ECF No. 11) and on March 18, 2024, Plaintiffs filed a Motion to  
20 Remand (ECF No. 12).

21 The parties have not yet conferred under Fed. R. Civ. P. 26(f) or initiated  
22 discovery in the federal court action. This court has not yet entered any  
23 discovery plan or scheduling order.

1 The parties agree that no prejudice will result by granting the stipulation  
2 to stay discovery at this juncture. In order to avoid the hardship or inequity the  
3 parties would suffer were the case to immediately proceed, the parties agree  
4 and stipulate to stay discovery in this action pending the Court's decision on (1)  
5 Plaintiffs' Motion to Amend Complaint (ECF No. 11); and (2) Plaintiffs' Motion  
6 to Remand (ECF No. 12). Staying the discovery in this proceeding will prevent  
7 unnecessary costs and resources from being expended on discovery disputes  
8 that will likely arise were the case to move forward while these motions are  
9 pending. It will also almost certainly result in economies and efficiencies for  
10 both the parties and the Court upon the Court's decision(s).

11 IT IS HEREBY STIPULATED by and between Plaintiffs and Defendants  
12 as follows:

13 1. Discovery shall be stayed pending decision on Plaintiffs' Motion to  
14 Amend Complaint (ECF No. 11); and (2) Plaintiffs' Motion to Remand (ECF No.  
15 12).

16 2. Upon the Court's order(s) resolving both motions, discovery shall  
17 commence, and the parties will file a proposed Discovery Plan and Scheduling  
18 Order within fourteen (14) calendar days after the lifting of the stay.

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Based on the foregoing, the parties respectfully request that the Court enter an order to stay discovery.

DATED this 16th day of April, 2024.	DATED this 16th day of April, 2024.
CLAGGETT & SYKES LAW FIRM	GORDON REES SCULLY MANSUKHANI, LLP
<i>/s/ Brian Blankenship</i>	<i>/s/ Brian K. Walters</i>
<hr/> Brian Blankenship, Esq. Nevada Bar No. 11522	<hr/> Brian K. Walters, Esq. Nevada Bar No. 9711 Craig A. Jacobson Admitted <i>Pro Hac Vice</i> <i>Attorneys for Defendants</i>
Brett A. Carter, Esq. Nevada Bar No. 5904 BERTOLDO CARTER SMITH & CULLEN <i>Attorneys for Plaintiffs</i>	

### **ORDER**

IT IS HEREBY ORDERED that the discovery in this matter is stayed pending the Court's decision on (1) Plaintiffs' Motion to Amend Complaint (ECF No. 11); and (2) Plaintiffs' Motion to Remand (ECF No. 12).

IT IS FURTHER ORDERED the parties will submit to the Court a proposed Discovery Plan and Scheduling Order within fourteen (14) calendar days after the lifting of the stay.

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

**DATED:** 4/17/2024